

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.
05-10823RWZ

PHILLIP MAROTTA,
Plaintiff,

v.

MI-JACK PRODUCTS, INC, FANTUZZI REGGIANE,
FANTUZZI USA, INC. AND MASSACHUSETTS
PORT AUTHORITY
Defendants.

DEFENDANT'S, FANTUZZI USA, INC., F.R.C.P. RULE 26(a)(1) DISCLOSURE

The Defendant, Fantuzzi USA, Inc. ("Defendant"), by and through its counsel, hereby makes the following disclosure pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, reserving the right to supplement and amend, as follows:

I. Rule 26(a)(1)(A) - Individuals Likely to Have Knowledge of Discoverable Facts

1. Phillip Marotta, Cape Neddick, ME 03902;
2. Employees of Columbia Coastal Transport, One Harborside Drive, Ste 200S, Boston, MA 02128-2907;
3. Pertinent representatives of Longshoreman's Union Local ILA 1413, 173 Acushnet Avenue, New Bedford, MA 02740-4803;
4. Pertinent representatives of Mi-Jack Products, Inc.;
5. Pertinent representatives of Fantuzzi Reggiane;
6. Pertinent representatives of Fantuzzi USA, Inc.;
7. Pertinent representatives of Plaintiff's worker's compensation carrier;
8. Pertinent representatives of Plaintiff's employer; and
9. Plaintiff's Medical Providers.

The Defendant reserves the right to supplement this response as appropriate as discovery progresses in this action.

II. Rule 26(a)(1)(B) - Documents and Things in the Possession of Counsel or Party

1. Fantuzzi USA, Inc. International Distributor Agreement;
2. Operator & Maintenance Manual MJ 450 G4; and
3. Photographs produced by Plaintiff's counsel of the subject crane.

The Defendant reserves the right to supplement this response as appropriate as discovery progresses in this action.

II. Rule 26(a)(1)(D) - Insurance

The Defendant is insured under a policy of insurance with the Zurich American Insurance Company, Policy No. GLO 3373528, with a \$2,000,000 limit per occurrence limit.

Respectfully submitted,
The Defendant,
Fantuzzi USA, Inc.,
By their attorneys,

/s/ Kate M. Merschman
Mark B. Lavoie, BBO# 553204
Christopher W. Costello, BBO# 645936
Kate M. Merschman, BBO# 652528
McDonough, Hacking & Lavoie, LLC
6 Beacon Street, Suite 815
Boston, MA 02108
(617) 367-0808

CERTIFICATE OF SERVICE

I, Kate M. Merschman, Esq., hereby certify that on July 20, 2005, I served a copy of the foregoing Disclosure pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, by mailing, postage prepaid, to the following: John P. LeGrand, Esq., John P. LeGrand & Associates, P.C., 375 Broadway, Suite 2, Somerville, MA 02145 and James P. Donohue, Jr., Sloane & Walsh, 3 Center Plaza, Boston, MA 02108.

/s/ Kate M. Merschman
Kate M. Merschman, Esq.